

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT SMITH JR.,

Plaintiff,

v.

GOVERNOR JAY INSLEE,

Defendant.

CASE NO. C14-0071-JCC

ORDER

This matter comes before the Court on Plaintiff's Objections to the Report and Recommendation of the Honorable Brian A. Tsuchida. (Dkt. No. 5). Having thoroughly considered Plaintiff's *in forma pauperis* application and the proposed Complaint, the Report and Recommendation, and Plaintiff's Objections, the Court hereby adopts the Report and Recommendation.

Plaintiff's objections appear primarily to be a request to amend his Complaint. However, Judge Tsuchida did not address the merits of Plaintiff's complaint, instead stating that Plaintiff already had three strikes, and accordingly should be denied leave to proceed *in forma pauperis*. Accordingly, Plaintiff's objections to Judge Tsuchida's Report and Recommendation are irrelevant and, accordingly, overruled. Moreover, Plaintiff does not give any reason for the Court to ignore the fact that he already has more than three strikes against him.

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1 The Court hereby ORDERS:

- 2 1) The Court ADOPTS the Report and Recommendation of Judge Tsuchida. (Dkt. No.  
3 4.)
- 4 2) Plaintiff's application to proceed *in forma pauperis*, (Dkt. No. 1), is DENIED.
- 5 3) The Clerk shall file the complaint only on receipt of the usual filing fee. If no filing  
6 fee is paid within 30 days of the date of this Order, the Clerk shall close the file.
- 7 4) The Clerk is directed to send copies of this Order to Plaintiff and to Judge Tsuchida.
- 8 DATED this 4th day of March 2014.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE